

By: Kolkhorst

S.B. No. 1101

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the consolidation of ombudsman programs administered by
3 the Health and Human Services Commission.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Subchapter Y, Chapter 531,
6 Government Code, is amended to read as follows:

7 SUBCHAPTER Y. HEALTH AND HUMAN SERVICES OMBUDSMAN PROGRAMS [~~FOR~~
8 ~~THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES~~]

9 SECTION 2. Section 531.991, Government Code, is amended to
10 read as follows:

11 Sec. 531.991. DEFINITIONS. In this subchapter:

12 (1) "Complaint" means any expression of
13 dissatisfaction by a consumer about a program or service of the
14 health and human services system or of the department.

15 (2) "Consumer" means:

16 (A) an applicant or client of a program of the
17 health and human services system;

18 (B) the applicant's or client's legally
19 authorized representative;

20 (C) a member of the public seeking information
21 about a program of the health and human services system; or

22 (D) a child or youth in the conservatorship of
23 the department.

24 (3) "Department" means the Department of Family and

1 Protective Services.

2 (4) [(2)] "Ombudsman" means the individual appointed
3 as the ombudsman for an ombudsman program [~~the Department of Family~~
4 ~~and Protective Services~~].

5 (5) "Ombudsman program" means an ombudsman program
6 administered by the commission under this subchapter.

7 (6) "Retaliation" means a harmful action taken because
8 of, or substantially motivated by, reprisal or revenge in response
9 to a legally protected activity, including making a good faith
10 complaint.

11 (7) "Substantiated complaint" means a complaint for
12 which research clearly indicates:

13 (A) the policy of a program of the health and
14 human services system or the department was violated; or

15 (B) the health and human services system's
16 expectations were not met.

17 SECTION 3. Subchapter Y, Chapter 531, Government Code, is
18 amended by adding Section 531.9912 to read as follows:

19 Sec. 531.9912. ESTABLISHMENT OF OMBUDSMAN PROGRAMS. The
20 executive commissioner shall establish the following ombudsman
21 programs:

22 (1) the health and human services office of the
23 ombudsman in accordance with Section 531.9915;

24 (2) the ombudsman for children and youth in foster
25 care in accordance with Section 531.9931;

26 (3) the ombudsman for managed care in accordance with
27 Section 531.9932;

1 (4) the ombudsman for behavioral health access to care
2 in accordance with Section 531.9933; and

3 (5) the ombudsman for individuals with intellectual or
4 developmental disabilities in accordance with Section 531.9934.

5 SECTION 4. Section 531.0171, Government Code, is
6 transferred to Subchapter Y, Chapter 531, Government Code,
7 redesignated as Section 531.9915, Government Code, and amended to
8 read as follows:

9 Sec. 531.9915 [531.0171]. OFFICE OF OMBUDSMAN. (a) The
10 executive commissioner shall establish the commission's office of
11 the ombudsman with authority and responsibility over the health and
12 human services system in performing the following functions:

13 (1) providing consumer dispute resolution services
14 for the health and human services system;

15 (2) performing consumer protection and advocacy
16 functions related to health and human services, including assisting
17 a consumer [~~or other interested person~~] with:

18 (A) raising a matter within the health and human
19 services system that the consumer [~~person~~] feels is being ignored;
20 and

21 (B) obtaining information regarding a filed
22 complaint; and

23 (3) collecting consumer inquiry and complaint data
24 related to the health and human services system.

25 (b) The office of the ombudsman does not have the authority
26 to process case actions or overturn a decision by the department or
27 a program of the health and human services system [~~provide a~~

1 ~~separate process for resolving complaints or appeals~~].

2 (c) The executive commissioner shall develop a standard
3 process for tracking and reporting received inquiries and
4 complaints within the health and human services system. The
5 process must provide for the centralized tracking of inquiries and
6 complaints submitted to field, regional, or other local health and
7 human services system offices, including vendors contracted to
8 provide services on behalf of a program of the health and human
9 services system.

10 (d) Using the process developed under Subsection (c), the
11 office of the ombudsman shall collect inquiry and complaint data
12 from all offices, agencies, divisions, and other entities within
13 the health and human services system, including vendors contracted
14 to provide services on behalf of a program of the health and human
15 services system. To assist with the collection of data under this
16 subsection, the office may access any system or process for
17 recording inquiries and complaints used or maintained within the
18 health and human services system.

19 (e) The office of the ombudsman must be sufficiently
20 independent from programs of the health and human services system
21 to perform the ombudsman's duties outlined in this subchapter.

22 SECTION 5. Sections 531.992 and 531.993, Government Code,
23 are amended to read as follows:

24 Sec. 531.992. APPOINTMENT OF OMBUDSMAN [~~FOR THE DEPARTMENT~~
25 ~~OF FAMILY AND PROTECTIVE SERVICES~~]. (a) The executive
26 commissioner [~~governor~~] shall appoint an ombudsman for each
27 ombudsman program [~~the Department of Family and Protective~~

1 ~~Services]~~ to serve at the will of the executive commissioner
2 ~~[governor]~~.

3 (b) The ombudsman programs are managed as part of ~~[is~~
4 ~~administratively attached to]~~ the office of the ombudsman for the
5 commission.

6 (c) Subject to the appropriation of money for those purposes
7 ~~[that purpose], each~~ ~~[the]~~ ombudsman may employ staff to assist the
8 ombudsman in performing the ombudsman's duties under this
9 subchapter.

10 ~~[(d) The ombudsman may not use the name or any logo of the~~
11 ~~department on any forms or other materials produced and distributed~~
12 ~~by the ombudsman.]~~

13 Sec. 531.993. DUTIES OF OMBUDSMAN. (a) An ~~[The]~~ ombudsman
14 serves as a neutral party in assisting:

15 (1) children and youth in the conservatorship of the
16 department with complaints regarding issues within the authority of
17 the commission, the department, or a ~~[another]~~ health and human
18 services agency; and

19 (2) consumers ~~[persons]~~ with a complaint against the
20 commission or a health and human services agency ~~[department]~~
21 regarding case-specific activities of the programs of the
22 commission or agency ~~[department, including adult protective~~
23 ~~services, child protective services, child-care licensing, and~~
24 ~~statewide intake]~~.

25 (b) An ~~[The]~~ ombudsman shall, as applicable:

26 (1) develop and implement statewide procedures to:

27 (A) receive complaints from:

1 (i) children and youth in the
2 conservatorship of the department; and

3 (ii) consumers [~~other persons~~] with a
4 complaint against the commission or a health and human services
5 agency [~~department~~];

6 (B) review complaints filed with the ombudsman
7 and take appropriate action, including:

8 (i) conducting an investigation into
9 individual complaints that allege violations of commission,
10 department, or agency procedure or policy or other violations; and

11 (ii) referring to commission, department,
12 or agency management for resolution any trends or systemic issues
13 identified in complaints;

14 (C) provide any necessary assistance to:

15 (i) children and youth in the
16 conservatorship of the department in making complaints and
17 reporting allegations of abuse or neglect to the department; and

18 (ii) any consumer in making complaints to
19 the commission or a health and human services agency;

20 (D) maintain the confidentiality of:

21 (i) the ombudsman's communications and
22 records;

23 (ii) records of another person that have
24 been provided to the ombudsman; and

25 (iii) communications of another person with
26 the ombudsman; and

27 (E) ensure that the commission, the department, a

1 health and human services agency, and any consumer who files a
2 complaint with the commission, including [~~person or~~] a child or
3 youth in the conservatorship of the department who files a
4 complaint with the ombudsman, are informed of the results of the
5 ombudsman's investigation of the complaint, including whether the
6 ombudsman was able to substantiate the [~~person's, child's, or~~
7 ~~youth's~~] complaint;

8 (2) collaborate with the commission, the department,
9 or a health and human services agency, as applicable, to develop and
10 implement an annual outreach plan to promote awareness of the
11 ombudsman among the public, children and youth in the
12 conservatorship of the department, [~~family members and caretakers~~
13 ~~of those children,~~] and facilities licensed by the commission
14 [~~department~~] and that includes:

- 15 (A) how the office may be contacted;
16 (B) the purpose of the office; and
17 (C) the services the office provides;

18 (3) notify in writing [~~issue and file with~~] the
19 commission, the department, and a [~~any applicable~~] health and human
20 services agency, as applicable, of [~~a report that contains~~] the
21 ombudsman's final determination regarding a complaint and any
22 recommended corrective actions to be taken as a result of the
23 complaint;

24 (4) establish a secure form of communication with any
25 individual who files a complaint with the ombudsman;

26 (5) collaborate with the commission, the department,
27 and a health and human services agency, as applicable, to identify

1 consequences for any retaliatory action related to a complaint
2 filed with the ombudsman, in accordance with Section 531.997
3 [~~40.0041(g), Human Resources Code~~]; and

4 (6) monitor and evaluate the commission's, the
5 department's, or a health and human services agency's corrective
6 actions taken in response to a recommendation by the ombudsman.

7 (c) An [~~The~~] ombudsman's notification [~~final determination~~
8 ~~in a report~~] described by Subsection (b)(3) must include a
9 determination of whether the complaint is a substantiated complaint
10 [~~there was wrongdoing or negligence by the department or an agent of~~
11 ~~the department or whether the complaint was frivolous and without~~
12 ~~merit~~]. If the ombudsman determines a complaint is a substantiated
13 complaint [~~there was wrongdoing or negligence~~], the ombudsman shall
14 recommend corrective actions to be taken by the commission, the
15 department, or a health and human services agency.

16 (d) The commission, the department, or a health and human
17 services agency, as applicable, shall provide written notice to an
18 ombudsman on whether the commission, department, or agency adopted
19 or rejected the ombudsman's recommended corrective action. On
20 rejection of the recommended corrective action, the commission,
21 department, or health and human services agency shall include in
22 the notice the reason for the rejection [~~The ombudsman may attend~~
23 ~~any judicial proceeding related to a complaint filed with the~~
24 ~~office~~].

25 SECTION 6. Section 531.9931, Government Code, is amended to
26 read as follows:

27 Sec. 531.9931. [~~DIVISION OF~~] OMBUDSMAN FOR CHILDREN AND

1 YOUTH IN FOSTER CARE. (a) The [~~division of the~~] ombudsman for
2 children and youth in foster care is created within the office of
3 the ombudsman for the purpose of:

4 (1) receiving complaints from children and youth in
5 the conservatorship of the department as provided under Section
6 531.993(a)(1);

7 (2) informing children and youth in the
8 conservatorship of the department who file a complaint under this
9 subchapter about the result of the ombudsman's investigation of the
10 complaint, including whether the ombudsman was able to substantiate
11 the child's or youth's complaint; and

12 (3) collaborating with the department to develop an
13 outreach plan for children and youth in the conservatorship of the
14 department to promote awareness of the ombudsman.

15 (b) If a child or youth in the conservatorship of the
16 department contacts an [~~the~~] ombudsman by telephone call to report
17 a complaint under this subchapter, the call shall be transferred
18 directly to a person employed by the [~~division of the~~] ombudsman
19 created under this section.

20 (c) The ombudsman for children and youth in foster care
21 shall promptly refer to the department for the department to
22 address in accordance with Section 40.0041, Human Resources Code,
23 each complaint received by the ombudsman regarding the department,
24 other than those made by a child or youth in the conservatorship of
25 the department.

26 (d) Not later than the fifth day of each month, the
27 ombudsman for children and youth in foster care shall compile and

1 provide to the commission and the department, as applicable, a
2 written report regarding the investigations the ombudsman compiled
3 during the preceding month. The report must include:

- 4 (1) a summary of each complaint investigated;
5 (2) the ombudsman's final determination on the
6 complaint; and
7 (3) any corrective action recommended by the
8 ombudsman.

9 SECTION 7. Subchapter Y, Chapter 531, Government Code, is
10 amended by adding Section 531.99315 to read as follows:

11 Sec. 531.99315. COMPLAINT PROCESS FOR FOSTER CHILDREN AND
12 YOUTH SERVED BY SINGLE SOURCE CONTINUUM CONTRACTOR. (a) In this
13 section, "contractor" means a single source continuum contractor in
14 this state providing services identified under Subchapter B-1,
15 Chapter 264, Family Code.

16 (b) A child or youth in the conservatorship of the
17 department and served by a contractor may file a complaint directly
18 with the ombudsman for children and youth in foster care and is not
19 required to file an initial complaint with the contractor.

20 (c) The ombudsman for children and youth in foster care may
21 access the internal records of a contractor that are relevant to a
22 complaint filed under this section and not included in the
23 department's automated case tracking and information management
24 system.

25 (d) The ombudsman for children and youth in foster care
26 shall provide written notice of the results of the investigation of
27 a complaint filed under this section to:

1 (1) the child or youth who filed the complaint;

2 (2) the child's or youth's contractor; and

3 (3) the department.

4 (e) Each contractor in this state shall provide to the
5 ombudsman for children and youth in foster care:

6 (1) the contractor's contact information for the
7 ombudsman to receive records and provide notice under this section;
8 and

9 (2) updates to the contact information as necessary.

10 (f) A contractor may not directly or indirectly use or cause
11 to be used the term "ombudsman" to describe the contractor or the
12 contractor's internal complaint process.

13 SECTION 8. Section 531.0213, Government Code, is
14 transferred to Subchapter Y, Chapter 531, Government Code,
15 redesignated as Section 531.9932, Government Code, and amended to
16 read as follows:

17 Sec. 531.9932 [~~531.0213~~]. OMBUDSMAN FOR MANAGED CARE
18 [~~SUPPORT SERVICES FOR MEDICAID RECIPIENTS~~]. (a) The commission
19 shall establish an ombudsman for managed care to provide support
20 and information services to a consumer [~~person~~] enrolled in or
21 applying for Medicaid coverage who experiences barriers to
22 receiving health care services.

23 (b) The ombudsman for managed care [~~commission~~] shall give
24 emphasis to assisting a consumer [~~person~~] with an urgent or
25 immediate medical or support need.

26 (b-1) The commission shall provide support and information
27 services required by this section through a network of entities

1 coordinated by the [~~commission's office of the~~] ombudsman for
2 managed care [~~or other division of the commission designated by the~~
3 ~~executive commissioner~~] and composed of:

4 (1) the [~~commission's office of the~~] ombudsman [~~or~~
5 ~~other division of the commission designated by the executive~~
6 ~~commissioner to coordinate the network~~];

7 (2) the office of the state long-term care ombudsman
8 required under Subchapter F, Chapter 101A, Human Resources Code;

9 (3) the division within the commission responsible for
10 oversight of Medicaid managed care contracts;

11 (4) area agencies on aging;

12 (5) aging and disability resource centers established
13 under the Aging and Disability Resource Center initiative funded in
14 part by the federal Administration on Aging and the Centers for
15 Medicare and Medicaid Services; and

16 (6) any other entity the executive commissioner
17 determines appropriate, including nonprofit organizations with
18 which the commission contracts under Subsection (c).

19 (c) The ombudsman for managed care [~~commission~~] may provide
20 support and information services by requesting the commission to
21 contract [~~contracting~~] with nonprofit organizations that are not
22 involved in providing health care, health insurance, or health
23 benefits.

24 (d) As a part of the support and information services
25 required by this section, the ombudsman for managed care
26 [~~commission~~] shall:

27 (1) operate a statewide toll-free assistance

1 telephone number that includes relay services for consumers
2 [~~persons~~] with speech or hearing disabilities and assistance for
3 consumers [~~persons~~] who speak Spanish;

4 (2) intervene promptly with the state Medicaid office,
5 managed care organizations and providers, and any other appropriate
6 entity on behalf of a consumer [~~person~~] who has an urgent need for
7 medical services;

8 (3) assist a consumer [~~person~~] who is experiencing
9 barriers in the Medicaid application and enrollment process and
10 refer the consumer [~~person~~] for further assistance if appropriate;

11 (4) educate consumers [~~persons~~] so that they:

12 (A) understand the concept of managed care;

13 (B) understand their rights under Medicaid,
14 including grievance and appeal procedures; and

15 (C) are able to advocate for themselves;

16 (5) collect and maintain statistical information on a
17 regional basis regarding cases [~~calls~~] received by the ombudsman
18 [~~assistance lines~~] and publish quarterly reports on the
19 commission's Internet website that:

20 (A) list the number of cases [~~calls~~] received by
21 region;

22 (B) identify trends in delivery and access
23 problems;

24 (C) identify recurring barriers in the Medicaid
25 system; and

26 (D) indicate other problems identified with
27 Medicaid managed care;

1 (6) assist the state Medicaid office and managed care
2 organizations and providers in identifying and correcting
3 problems, including site visits to affected regions if necessary;

4 (7) meet the needs of all current and future Medicaid
5 managed care recipients, including children receiving dental
6 benefits and other recipients receiving benefits, under the:

7 (A) STAR Medicaid managed care program;

8 (B) STAR + PLUS Medicaid managed care program,
9 including the Texas Dual Eligibles Integrated Care Demonstration
10 Project provided under that program;

11 (C) STAR Kids managed care program established
12 under Section [533.00253](#); and

13 (D) STAR Health program; and

14 (8) ~~[incorporate support services for children~~
15 ~~enrolled in the child health plan established under Chapter [62](#),~~
16 ~~Health and Safety Code, and~~

17 ~~[(9)]~~ ensure that staff providing support and
18 information services receives sufficient training, including
19 training in the Medicare program for the purpose of assisting
20 recipients who are dually eligible for Medicare and Medicaid, and
21 has sufficient authority to resolve barriers experienced by
22 recipients to health care and long-term services and supports.

23 ~~[(e) The commission's office of the ombudsman, or other~~
24 ~~division of the commission designated by the executive commissioner~~
25 ~~to coordinate the network of entities responsible for providing~~
26 ~~support and information services under this section, must be~~
27 ~~sufficiently independent from other aspects of Medicaid managed~~

1 ~~care to represent the best interests of recipients in problem~~
2 ~~resolution.]~~

3 SECTION 9. Section [531.02251](#), Government Code, is
4 transferred to Subchapter Y, Chapter [531](#), Government Code,
5 redesignated as Section 531.9933, Government Code, and amended to
6 read as follows:

7 Sec. [531.9933](#) [~~[531.02251](#)~~]. OMBUDSMAN FOR BEHAVIORAL HEALTH
8 ACCESS TO CARE. (a) [~~In this section, "ombudsman" means the~~
9 ~~individual designated as the ombudsman for behavioral health access~~
10 ~~to care.~~

11 [~~(b) The executive commissioner shall designate an~~
12 ~~ombudsman for behavioral health access to care.~~

13 [~~(c) The ombudsman is administratively attached to the~~
14 ~~office of the ombudsman for the commission.~~

15 [~~(d) The commission may use an alternate title for the~~
16 ~~ombudsman in consumer-facing materials if the commission~~
17 ~~determines that an alternate title would be beneficial to consumer~~
18 ~~understanding or access.~~

19 [(e)] The ombudsman for behavioral health serves as a
20 neutral party to help consumers, including consumers who are
21 uninsured or have public or private health benefit coverage, and
22 behavioral health care providers navigate and resolve issues
23 related to consumer access to behavioral health care, including
24 care for mental health conditions and substance use disorders.

25 (b) [~~(f)~~] The ombudsman for behavioral health shall:

26 (1) interact with consumers and behavioral health care
27 providers with concerns or complaints to help the consumers and

1 providers resolve behavioral health care access issues, including:

2 (A) patients of state hospitals as defined by
3 Section 552.0011, Health and Safety Code; and

4 (B) consumers seeking and receiving services
5 through:

6 (i) a local behavioral health authority, as
7 described by Section 533.0356, Health and Safety Code; or

8 (ii) a local mental health authority, as
9 described by Section 533.035, Health and Safety Code;

10 (2) identify, track, and help report potential
11 violations of state or federal rules, regulations, or statutes
12 concerning the availability of, and terms and conditions of,
13 benefits for mental health conditions or substance use disorders,
14 including potential violations related to quantitative and
15 nonquantitative treatment limitations;

16 (3) report concerns, complaints, and potential
17 violations described by Subdivision (2) to the appropriate
18 regulatory or oversight agency;

19 (4) receive and report concerns and complaints
20 relating to inappropriate care or mental health commitment;

21 (5) provide appropriate information to help consumers
22 obtain behavioral health care and understand their rights;

23 (6) develop appropriate points of contact for
24 referrals to other state and federal agencies; and

25 (7) provide appropriate information to help consumers
26 or providers file appeals or complaints with the appropriate
27 entities, including insurers and other state and federal agencies.

1 (c) [~~(g)~~] The ombudsman for behavioral health shall
2 participate in the mental health condition and substance use
3 disorder parity work group established under Section 531.02252 and
4 provide summary reports of concerns, complaints, and potential
5 violations described by Subsection (b)(2) [~~(f)(2)~~] to the work
6 group. This subsection expires September 1, 2021.

7 (d) [~~(h)~~] The Texas Department of Insurance shall appoint a
8 liaison to the ombudsman for behavioral health to receive reports
9 of concerns, complaints, and potential violations described by
10 Subsection (b)(2) [~~(f)(2)~~] from the ombudsman, consumers, or
11 behavioral health care providers.

12 SECTION 10. Subchapter Y, Chapter 531, Government Code, is
13 amended by adding Section 531.9934 to read as follows:

14 Sec. 531.9934. OMBUDSMAN FOR INDIVIDUALS WITH INTELLECTUAL
15 OR DEVELOPMENTAL DISABILITIES. (a) In this section, "local
16 intellectual and developmental disability authority" has the
17 meaning assigned by Section 531.002, Health and Safety Code.

18 (b) The ombudsman for individuals with intellectual or
19 developmental disabilities serves as a neutral party to assist
20 individuals with intellectual or developmental disabilities and
21 the individuals' representatives and providers in navigating and
22 resolving issues related to services for those individuals provided
23 through:

24 (1) the home and community-based services and Texas
25 home living Medicaid waiver programs; and

26 (2) local intellectual and developmental disability
27 authorities.

1 (c) The ombudsman for individuals with intellectual or
2 developmental disabilities shall:

3 (1) interact with individuals with intellectual or
4 developmental disabilities and the individuals' representatives
5 and providers with concerns or complaints to assist the
6 individuals, representatives, providers, and local intellectual
7 and developmental disability authorities in resolving those
8 issues;

9 (2) identify, track, and assist with reporting
10 potential violations of state or federal rules, regulations, or
11 statutes concerning the rights of individuals with intellectual or
12 developmental disabilities and services provided through:

13 (A) the home and community-based services and
14 Texas home living Medicaid waiver programs; and

15 (B) local intellectual and developmental
16 disability authorities;

17 (3) provide appropriate information to assist
18 individuals with intellectual or developmental disabilities in
19 obtaining services and understanding their rights;

20 (4) develop appropriate points of contact for
21 referrals to other state and federal agencies; and

22 (5) provide appropriate information to assist
23 individuals with intellectual or developmental disabilities and
24 the individuals' representatives and providers in filing appeals or
25 complaints with the appropriate entities.

26 SECTION 11. Sections [531.994](#), [531.995](#), [531.996](#), [531.997](#),
27 and [531.998](#), Government Code, are amended to read as follows:

1 Sec. 531.994. INVESTIGATION OF UNREPORTED COMPLAINTS. If,
2 during the investigation of a complaint, an [~~the~~] ombudsman
3 discovers unreported violations of the commission's, the
4 department's, or a health and human services agency's rules and
5 policies, the ombudsman may [~~shall~~] open a new investigation for
6 each unreported violation.

7 Sec. 531.995. ACCESS TO INFORMATION. The commission, the
8 department, and each health and human services agency shall provide
9 an [~~the~~] ombudsman access to the commission's, department's, or
10 agency's records and personnel that relate to a complaint the
11 ombudsman is reviewing or investigating.

12 Sec. 531.996. COMMUNICATION AND CONFIDENTIALITY. (a) A
13 person may communicate with an [~~the~~] ombudsman relating to a
14 complaint by telephone, by mail, by electronic mail, or by any other
15 means the ombudsman determines to be feasible, secure, and
16 accessible [~~to children and youth~~].

17 (b) A communication with an [~~the~~] ombudsman is confidential
18 during an investigation or review of a complaint and remains
19 confidential after the complaint is resolved.

20 (c) The records of an [~~the~~] ombudsman are confidential and
21 must be maintained in a manner that preserves the confidentiality
22 of the records.

23 (d) The disclosure of confidential information to an [~~the~~]
24 ombudsman under this section or Section [531.995](#) does not constitute
25 a waiver of confidentiality. Any information disclosed to the
26 ombudsman under this section or Section [531.995](#) remains
27 confidential and privileged following disclosure.

1 (e) An [~~The~~] ombudsman is not prohibited from communicating
2 with the commission, the department, or a [~~another~~] health and
3 human services agency regarding confidential information disclosed
4 to the ombudsman by the commission, department, or agency.

5 (f) An [~~The~~] ombudsman may make reports relating to an
6 investigation of a complaint public after the complaint is
7 resolved. A report may not include information that identifies an
8 individual consumer [~~complainant~~], client, parent, or employee or
9 any other person involved in the complaint.

10 Sec. 531.997. RETALIATION PROHIBITED. The commission, the
11 department, or a [~~another~~] health and human services agency may not
12 retaliate against a commission, department, or agency employee, a
13 child or youth in the conservatorship of the department, or any
14 other consumer [~~person~~] who in good faith makes a complaint to an
15 [~~the~~] ombudsman or against any person who cooperates with the
16 ombudsman in an investigation.

17 Sec. 531.998. REPORT. (a) The health and human services
18 office of the ombudsman shall prepare an annual report that
19 contains:

20 (1) a description of the [~~ombudsman's~~] work of the
21 commission's ombudsman programs;

22 (2) any change made by the commission, the department,
23 or a [~~another~~] health and human services agency in response to a
24 substantiated complaint;

25 (3) a description of any trends in the nature of
26 complaints received by an [~~the~~] ombudsman, any recommendations
27 related to addressing those trends, and an evaluation of the

1 feasibility of the ombudsman's recommendations;

2 (4) a glossary of terms used in the report;

3 (5) a description of the methods used to promote
4 awareness of the ombudsman under Section 531.993(b) and the
5 ombudsman's promotion plan for the next year; and

6 (6) any public feedback received by the ombudsman
7 relating to the ombudsman's previous annual reports.

8 (b) The report must be submitted to the governor, the
9 lieutenant governor, each standing committee of the legislature
10 with jurisdiction over matters involving the commission, the
11 department, and each health and human services agency, each member
12 of the legislature, the executive commissioner, and the
13 commissioner of the department not later than December 1 of each
14 year. On receipt of the report, [~~the department and~~] the commission
15 shall make the report publicly available on [~~the department's and~~]
16 the commission's Internet website [~~websites~~].

17 SECTION 12. Sections 531.9921 and 531.9941, Government
18 Code, are repealed.

19 SECTION 13. If before implementing any provision of this
20 Act a state agency determines that a waiver or authorization from a
21 federal agency is necessary for implementation of that provision,
22 the agency affected by the provision shall request the waiver or
23 authorization and may delay implementing that provision until the
24 waiver or authorization is granted.

25 SECTION 14. This Act takes effect immediately if it
26 receives a vote of two-thirds of all the members elected to each
27 house, as provided by Section 39, Article III, Texas Constitution.

S.B. No. 1101

1 If this Act does not receive the vote necessary for immediate
2 effect, this Act takes effect September 1, 2019.